

### REMARKS

This is a response to the Office Action dated January 30, 2007. The Examiner has objected to the abstract, which has been amended to correct the objection. The Examiner has rejected claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,968,295 (“Carr”). Claims 1, 2, 11, and 24-26 have been amended for clarity. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

Carr relates to a “method and system for auditing the energy-usage by a facility [that] includes an energy-using system having an operating parameter with a value.” Carr, Abstract. The system in Carr creates an energy model for a facility based on initial data and energy-usage estimates. Carr, Abstract and Fig. 1.

Carr fails to disclose “calculating a cost from the identified at least one energy driver; and controlling the identified at least one energy driver to reduce the cost of energy usage from the identified at least one energy driver” as in amended claims 1, and 24-26. Carr does disclose “an electric rate(s) used in determining the cost of the energy usage or consumption by the facility.” Carr, Col. 32, ll. 52-53. Further, Carr discloses a “determination of the energy-usage and costs *after* [] adjustments.” *Id.* at Col. 32, ll. 55-56 (emphasis added). Carr does not disclose calculating cost for a single identified energy driver (rather, Carr discloses the cost being calculated for overall energy usage). Further, Carr fails to disclose control of that identified energy driver to reduce cost from that energy driver (rather, Carr discloses adjustments to the overall energy usage model to reduce cost but not based on specific identified energy drivers).

Likewise, for the reasons discussed above, Carr fails to disclose “a rate engine coupled with the output module and operative to calculate a cost of energy usage based on the identified at least one energy driver and further operative to reduce the cost of energy usage” as in independent claim 11, as amended.

Carr fails to disclose potential energy drivers or predetermined energy driver quantities used in identifying an energy driver as in amended claims 1, 11 and 25. In particular, there is not disclosure of “comparing the quantity metadata contributing the determined at least one relationship with a predetermined list of potential energy drivers.” The Examiner alleges that Carr discloses determining at least one relationship, but that determination does not include potential energy drivers. *Id.* at Col. 16-17, ll. 34-34. Specifically, Carr discloses auditing energy usage through modification of initial values of operating parameters of an energy model. *Id.* at Col. 1, ll. 34-53. However, the calculation and modification of initial values for an energy model is not a list of potential energy drivers and there is no disclosure of a comparison with the list as in amended claims 1, 11 and 25.

Carr fails to disclose an analysis within a time period to determine a relationship between energy usage data and quantity metadata as in claims 1, 11, 24 and 26. Carr does disclose measuring a defrost cycle by the hour or fraction of the hour. Carr at Col. 24, ll. 17-26. Further, Carr discloses time initiated and time terminated defrost for a fixed time. Carr at Col. 24, ll. 39-48. Carr is disclosing the measurement of *defrosting* based on a time period. At most, the load from defrosting is calculated in a time period. *Id.* at Col. 24, ll. 17-48. There is no disclosure of “determining at least one relationship between the quantity metadata and energy usage data by analyzing the quantity metadata and energy usage data within the time interval.” Measuring energy load during defrosting does not result in a determination of a relationship between quantity metadata and energy usage data.

Accordingly, the Applicants submit that amended independent claims 1, 11, and 24-26 are in condition for allowance. Dependent claims 2-10, and 12-23 should be allowed for the reasons set out above for the independent claims.

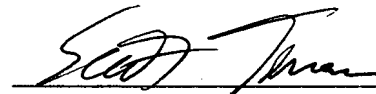
**CONCLUSION**

The rejections in the Office Action dated January 30, 2007 have been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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Date



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